

the interest on the obligations, are fully met and discharged and the contracts are fully performed on the part of the issuer, except that this chapter does not preclude a limitation or alteration if adequate provision is made by law for the protection of the rights of the holders of the obligations of the issuer or those entering into contracts with the issuer.

Sec. 11. NEW SECTION. 12F.11 PROVISIONS CONTROLLING.

The powers granted issuers under this chapter are in addition to the powers of each issuer contained elsewhere in the Code. Nothing in this chapter limits the powers of an issuer to issue obligations under any other applicable provisions of the Code or to otherwise carry out its responsibilities as otherwise set forth in the Code.

Sec. 12. NEW SECTION. 12F.12 CONSTRUCTION.

This chapter, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purpose.

Approved May 9, 2007

CHAPTER 134

TRUSTS AND ESTATES — MISCELLANEOUS CHANGES

S.F. 540

AN ACT relating to trusts and estates including fiduciaries and beneficiaries and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 421.27, subsection 1, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. The failure to file a timely inheritance tax return resulting solely from a disclaimer that required the personal representative to file an inheritance tax return. The penalty shall be waived if such return is filed and any tax due is paid within the later of nine months from the date of death or sixty days from the delivery or filing of the disclaimer pursuant to section 633E.12.

Sec. 2. Section 450.4, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 9. On the value of tangible personal property as defined in section 633.276 which is distributed in kind from the estate if the aggregate of all tangible personal property in the estate does not exceed five thousand dollars.

Sec. 3. Section 561.1, Code 2007, is amended to read as follows:

561.1 "HOMESTEAD" DEFINED.

1. The homestead must embrace the house used as a home by the owner, and, if the owner has two or more houses thus used, the owner may select which the owner will retain. It may contain one or more contiguous lots or tracts of land, with the building and other appurtenances thereon, habitually and in good faith used as part of the same homestead.

2. As used in this chapter, "owner" includes but is not limited to the person, or the surviving

spouse of the person, occupying the homestead as a beneficiary of a trust that includes the property in the trust estate.

Sec. 4. NEW SECTION. 598.20A BENEFICIARY REVOCATION — LIFE INSURANCE.

1. Except as preempted by federal law, if a decree of dissolution, annulment, or separate maintenance is issued after an insured has designated the insured's spouse or one or more relatives of the insured's spouse as a beneficiary under a life insurance policy in effect on the date of the decree, a provision in the life insurance policy making such a designation is voided by the issuance of the decree unless any of the following apply:

- a. The decree designates the insured's former spouse or one or more relatives of the insured's spouse as beneficiary.
- b. After issuance of the decree, the insured executes a designation of beneficiary form provided by the insurance company naming the insured's former spouse or one or more relatives of the insured's former spouse as beneficiary.
- c. The insured and the insured's former spouse remarry.

2. If a beneficiary designation is not effective pursuant to subsection 1, the benefits or proceeds of the life insurance policy are payable to an alternate beneficiary, or if there is no alternate beneficiary, to the estate of the insured.

3. An insurer who pays benefits or proceeds of a life insurance policy to a beneficiary under a designation that is void pursuant to subsection 1 is not liable for payment to an alternative beneficiary as provided under subsection 2 unless both of the following apply:

- a. At least ten days prior to payment of the benefits or proceeds of the life insurance policy to the designated beneficiary, the insurer receives written notice at the home office of the insurer that the designation of the beneficiary is not effective pursuant to subsection 1.
- b. The insurer has failed to interplead the benefits or proceeds of the life insurance policy in a court of competent jurisdiction in accordance with the rules of civil procedure.

4. This section does not limit the right of a beneficiary to seek recovery from any person or entity that erroneously receives or collects the benefits or proceeds from a life insurance policy.

5. This section does not affect the right of an insured's former spouse to assert an ownership interest in a life insurance policy that is not disclosed to the insured's spouse prior to the decree of dissolution, annulment, or separate maintenance and that is not addressed by the decree.

6. For purposes of this section, "relative of the insured's spouse" means a person who is related to the insured's former spouse by blood, adoption, or affinity, and who, subsequent to a decree of dissolution, annulment, or separate maintenance, ceases to be related to the insured by blood, adoption, or affinity.

Sec. 5. NEW SECTION. 598.20B BENEFICIARY REVOCATION — OTHER CONTRACTS.

1. Except as preempted by federal law, if a decree of dissolution, annulment, or separate maintenance is issued after a participant, annuitant, or account holder has designated the participant's, annuitant's, or account holder's spouse or one or more relatives of the participant's, annuitant's, or account holder's spouse as beneficiary under any individual retirement account, stock option plan, transfer on death account, payable on death account, or annuity in force at the date of the decree, a provision in the retirement account, stock option plan, transfer on death account, payable on death account, or annuity designating the participant's, annuitant's, or account holder's spouse or one or more relatives of the participant's, annuitant's, or account holder's spouse as beneficiary is voided by the issuance of the decree unless any of the following apply:

- a. The decree designates the participant's, annuitant's, or account holder's spouse or one or more relatives of the participant's, annuitant's, or account holder's spouse as beneficiary.
- b. After issuance of the decree, the participant, annuitant, or account holder executes a designation of beneficiary form provided by the plan or company naming the participant's, annuitant's, or account holder's former spouse or one or more relatives of the participant's, annuitant's, or account holder's former spouse as the beneficiary.

c. The participant, annuitant, or account holder and the participant's, annuitant's, or account holder's former spouse remarry.

d. Prior to the issuance of the decree, annuity payments have irrevocably commenced based on the joint life expectancies of the participant, annuitant, or account holder and the participant's, annuitant's, or account holder's former spouse.

2. If a beneficiary designation is not effective pursuant to subsection 1, the benefits or proceeds from the individual retirement account, stock option plan, transfer on death account, payable on death account, or annuity are payable to an alternate beneficiary, or if there is no alternate beneficiary, to the estate of the participant, annuitant, or account holder.

3. A business entity, employer, insurer, financial institution, or other person or entity obligated to pay the benefits or proceeds from an individual retirement account, stock option plan, transfer on death account, payable on death account, or annuity to a beneficiary under a designation that is void pursuant to subsection 1 is not liable for payment of the benefits or proceeds to a beneficiary as provided under subsection 2 unless both of the following apply:

a. At least ten days prior to payment of the benefits or proceeds to the designated beneficiary, the business entity, employer, insurer, financial institution, or other person or entity obligated to pay the benefits or proceeds receives written notice at the home office of the business entity, employer, insurer, financial institution, or other person or entity that the designation of the beneficiary is not effective pursuant to subsection 1.

b. The business entity, employer, insurer, financial institution, or other person or entity has failed to interplead the benefits or proceeds in a court of competent jurisdiction in accordance with the rules of civil procedure.

4. This section does not limit the right of a beneficiary to seek recovery from any person or entity that erroneously receives or collects the benefits or proceeds of an individual retirement account, stock option plan, transfer on death account, payable on death account, or annuity.

5. This section does not affect the right of the participant's, annuitant's, or account holder's former spouse to assert an ownership interest in an individual retirement account, stock option plan, transfer or payable on death account, or annuity that is not disclosed to the participant's, annuitant's, or account holder's spouse prior to the issuance of the decree of dissolution, annulment, or separate maintenance and that is not addressed by the decree.

6. For purposes of this section, "relative of the participant's, annuitant's, or account holder's spouse" means a person who is related to the participant's, annuitant's, or account holder's former spouse by blood, adoption, or affinity, and who, subsequent to a decree of dissolution, annulment, or separate maintenance ceases to be related to the participant, annuitant, or account holder by blood, adoption, or affinity.

Sec. 6. Section 602.8102, subsection 106, Code 2007, is amended to read as follows:

106. Carry out duties relating to the administration of small estates as provided in sections ~~635.1, 635.7, and 635.9~~ chapter 635.

Sec. 7. NEW SECTION. 633.123 PRUDENT INVESTMENTS — FIDUCIARIES.

1. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing property for the benefit of another, a fiduciary shall consider all of the following circumstances along with the circumstances identified in section 633A.4302, if applicable:

a. The length of time the fiduciary will have control over the estate assets and the anticipated costs of complying with the provisions of this section.

b. The unique nature of all of the following:

(1) The duties of a personal representative or conservator.

(2) The assets, income, expenses, and distribution requirements of the estate.

(3) The needs and rights of the beneficiaries or the ward.

c. The express provisions of a will, codicil, or other controlling instrument.

2. The standards identified in this section shall be applied differently than similar standards for investment and management of trust property. Special consideration shall be given to the expected term of estates. Because some estates will have limited duration, there may be situations where an investment or a change in an investment is not warranted.

Sec. 8. Section 633.168, Code 2007, is amended to read as follows:

633.168 OATH — CERTIFICATION.

Every fiduciary, before entering upon the duties of the fiduciary's office ~~and within such time as the court or clerk directs~~, shall subscribe an oath or certify under penalties of perjury that the fiduciary will faithfully discharge the duties imposed by law, according to the best of the fiduciary's ability.

Sec. 9. Section 633.178, Code 2007, is amended to read as follows:

633.178 LETTERS.

Upon the filing of an oath of office or certification and a bond, if any is required, the clerk shall issue letters under the seal of the court, giving the fiduciary the powers authorized by law.

Sec. 10. Section 633.199, Code 2007, is amended to read as follows:

633.199 EXPENSES AND EXTRAORDINARY SERVICES.

Such further allowances as are just and reasonable may be made by the court to personal representatives and their attorneys for actual necessary and extraordinary expenses ~~or~~ and services. Necessary and extraordinary services shall be construed to ~~also include~~ but not be limited to services in connection with real estate, tax matters, ~~and litigated issues, disputed matters, nonprobate assets, reopening the estate, location of unknown and lost heirs and beneficiaries, and management and disposition of unusual assets.~~ Relevant factors to be considered in determining the value of such services shall include but not be limited to the following:

1. Time necessarily spent by the personal representatives and their attorneys.
2. Nature of the matters or issues and the extent of the services provided.
3. Complexity of the issues and the importance of the issues to the estate.
4. Responsibilities assumed.
5. Resolution.
6. Experience and expertise of the personal representatives and their attorneys.

Sec. 11. Section 633.231, Code 2007, is amended to read as follows:

633.231 NOTICE IN INTESTATE ESTATES — MEDICAL ASSISTANCE CLAIMS.

Upon opening administration of an intestate estate, the administrator ~~may~~ shall, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk within the later to occur of ~~fifteen~~ four months from the second publication of the notice to creditors or ~~two~~ six months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION OF ESTATE, OF
APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITOR

In the District Court of Iowa
In and for County.
In the Estate of, Deceased
Probate No.

To the Department of Human Services Who May Be Interested in the Estate of, Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), an intestate estate was opened in the above-named court and that was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is The name of the spouse is The birthdate of the spouse is and the spouse's social security number is, and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of , who had a birthdate of and a social security number of . . . - . . . - , and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of ~~fifteen~~ four months from the second publication of the notice to creditors or ~~two six~~ months from the date of the mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this day of (month), (year)

.....
Administrator of estate
.....
Address

.....
Attorney for administrator
.....
Address
Date of second publication
. day of (month), (year)

Sec. 12. Section 633.272, Code 2007, is amended to read as follows:
633.272 PARTIAL INTESTACY.

If part but not all of the estate of a decedent is validly disposed of by will, the part not disposed of by will shall be distributed as provided herein for intestate estates. If the testator left a surviving spouse, and the spouse does not ~~elect to take against the will~~ take an elective share, the spouse shall receive, in addition to the property given to the spouse by the will, all so much of the intestate property ~~which shall be~~ subject to the payment of its proportionate share of debts and charges ~~against the estate as the spouse would receive pursuant to section 633.211 or 633.212.~~

Sec. 13. Section 633.304A, Code 2007, is amended to read as follows:
633.304A NOTICE OF PROBATE OF WILL — MEDICAL ASSISTANCE CLAIMS.

On admission of a will to probate, the executor ~~may~~ shall, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk within the later to occur of ~~fifteen~~ four months from the second publication of the notice to creditors or ~~two six~~ months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:
NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS

In the District Court of Iowa
In and for County.
In the Estate of , Deceased
Probate No.

To the Department of Human Services, Who May Be Interested in the Estate of , Deceased, who died on or about (date):

You are hereby notified that on the day of (month), (year), the last will and testament of , deceased, bearing date of the day of (month),

..... (year), was admitted to probate in the above-named court and that was appointed executor of the estate.

You are further notified that the birthdate of the deceased is and the deceased's social security number is ... - ... - The name of the spouse is The birthdate of the spouse is and the spouse's social security number is ... - ... -, and that the spouse of the deceased is alive as of the date of this notice, or deceased as of (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of, who had a birthdate of and a social security number of ... - ... -, and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above-named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of ~~fifteen~~ four months from the second publication of the notice to creditors or ~~two~~ six months from the date of mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this day of (month), (year)

.....
Executor of estate
.....
Address

.....
Attorney for executor

.....
Address
Date of second publication
..... day of (month), (year)

Sec. 14. Section 633.410, subsection 2, Code 2007, is amended to read as follows:

2. Notwithstanding subsection 1, claims for debts created under section 249A.5, subsection 2, relating to the recovery of medical assistance payments shall be barred under this section unless filed with the clerk within the later to occur of ~~fifteen~~ four months after the date of the second publication of the notice to creditors, or ~~two~~ six months after service of notice by ordinary mail, on the form prescribed in section 633.231 for intestate estates or on the form prescribed in section 633.304A for testate estates, to the entity designated by the department of human services to receive notice.

Sec. 15. Section 633.551, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Except as otherwise provided in sections 633.672 and 633.673, in proceedings to establish a guardianship or conservatorship, the costs, including attorney fees and expert witness fees, shall be assessed against the ward or the ward's estate unless the proceeding is dismissed either voluntarily or involuntarily, in which case fees and costs may be assessed against the petitioner for good cause shown.

Sec. 16. Section 633.669, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. An annual report, within ninety days of the close of the reporting period, unless the court otherwise orders on good cause shown.

Sec. 17. Section 633.670, subsection 1, paragraph b, subparagraph (1), Code 2007, is amended to read as follows:

(1) Annually, within ninety days of the close of the reporting period, unless the court otherwise orders on good cause shown.

Sec. 18. Section 633.700, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Unless specifically relieved from so doing, by the instrument creating the trust, or by order of the court, the trustee shall make a written report, under oath, to the court, once each year, within ninety days of the close of the reporting period, and more often, if required by the court. Such report shall state:

Sec. 19. Section 633A.4703, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Except as otherwise provided by the governing instrument, where necessary to abate shares of the beneficiaries of a trust for the payment of debts and charges, federal and state estate taxes, bequests, the share of the surviving spouse who takes an elective share, and the shares of children born or adopted after the execution of the trust, abatement shall occur in the following order:

Sec. 20. Section 633A.4703, subsection 4, Code 2007, is amended to read as follows:

4. Notwithstanding subsections 1, 2, or 3, a disposition in favor of the ~~grantor's~~ settlor's surviving spouse who does not take an elective share shall not be abated where such abatement would have the effect of increasing the amount of federal estate or federal gift taxes payable by a person or an entity.

Sec. 21. Section 635.1, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

635.1 WHEN APPLICABLE.

When the gross value of the probate assets of a decedent subject to the jurisdiction of this state does not exceed one hundred thousand dollars, and upon a petition as provided in section 635.2 of an authorized petitioner in accordance with section 633.227, 633.228, or 633.290, the clerk shall issue letters of appointment for administration to the proposed personal representative named in the petition, if qualified to serve. Unless otherwise provided in this chapter, the provisions of chapter 633 apply to an estate probated pursuant to this chapter.

Sec. 22. Section 635.2, Code 2007, is amended to read as follows:

635.2 PETITION REQUIREMENTS.

The petition for administration of a small estate must contain the following:

1. The name, domicile, and date of death of the decedent.
2. The name and address of the surviving spouse, if any, ~~the name and address of each child of the decedent, the name and address of each parent of the decedent, if the parent is an heir or beneficiary of the decedent, and the name and address of each grandchild of the decedent if the grandchild is an heir or beneficiary of the decedent, unless none are beneficiaries under the will of the decedent, and the name and address of each relative within the fourth degree of consanguinity of the decedent who is an heir or beneficiary of the decedent, unless none are beneficiaries under the will of the decedent.~~

3. Whether the decedent died intestate or testate, and, if testate, the date of the will was executed.

4. A statement that the probate ~~and nonprobate~~ property of the decedent subject to the jurisdiction of this state does not have an aggregate gross value of more than the amount permitted under the provisions of section 635.1.

5. The name and address of the proposed ~~executor or administrator~~ personal representative.

Sec. 23. Section 635.7, Code 2007, is amended to read as follows:

635.7 REPORT AND INVENTORY — EXCESS VALUE AND TERMINATION CONVERSION.

1. The ~~executor or administrator~~ personal representative is required to file the report and

inventory for which provision is made in section 633.361, ~~including all probate and nonprobate assets. Nothing in sections 635.1 to 635.3 shall~~ This chapter does not exempt the executor or administrator personal representative from complying with the requirements of section 422.27, 450.22, 450.58, 633.480, or 633.481, and the administration of an estate whether converted to or from a small estate shall be considered one proceeding pursuant to section 633.330.

2. If the inventory and report shows the gross value of probate assets subject to the jurisdiction of this state which exceed the total gross value of the amount permitted the a small estate under the applicable provision of section 635.1, ~~the clerk shall terminate the letters issued under section 635.1 without prejudice to the rights of persons who delivered property as permitted under section 635.3. The executor or administrator shall then be required to petition for administration of the estate shall be administered as provided in chapter 633.~~

3. If the inventory report in an estate probated pursuant to chapter 633 indicates the gross value of the probate assets subject to the jurisdiction of this state does not exceed the amount permitted under section 635.1, the estate shall be administered as a small estate upon the filing of a statement by the personal representative that the estate is a small estate.

4. Other interested parties may convert proceedings from a small estate to a regular estate or from a regular estate to a small estate only upon good cause shown with approval from the court.

Sec. 24. Section 635.8, Code 2007, is amended to read as follows:

635.8 CLOSING BY SWORN STATEMENT.

1. ~~Unless an interested person petitions for administration of the estate on a basis other than for a small estate within four months after letters of administration for a small estate are issued, if those letters of administration are not terminated under the provisions of section 635.7, any property of the estate shall then be free of debts and charges, unless a claim has been filed as provided in section 635.13. The executor or administrator is personally liable for the payment of debts and charges against the estate to the extent the assets of the estate would be subject to the payment of those debts and charges under estate administration other than a small estate.~~

2. ~~1.~~ The executor or administrator personal representative shall file with the court a closing statement within six months a reasonable time from the date of issuance of the letters of appointment, and the closing statement shall be verified or affirmed under penalty of perjury, stating all of the following:

a. To the best knowledge of the person personal representative, the gross value of the estate probate assets subject to the jurisdiction of this state does not exceed the amount permitted the small estate under the applicable provision of section 635.1.

b. The estate has been fully administered, dispersed, and will be disbursed and distributed to persons entitled to the estate and a if no objection is filed to the closing statement after the requisite time period has expired as provided in subsection 2.

c. A description of the disbursement and distribution of the estate including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest in the real estate and its disposition.

e. ~~d.~~ A copy of the closing statement and an opportunity to object and request a hearing has been sent to all distributees of the estate and to all known creditors and a full account in writing of the administration of the estate has been furnished to the distributees whose interests are affected by proper notice, as provided in section 633.40, to all interested parties.

e. The personal representative has complied with all statutory requirements pertaining to taxes, including whether federal estate tax was paid or a return was filed, whether Iowa inheritance tax was paid or a return was filed, whether the decedent's final personal income taxes were filed, whether fiduciary income tax returns for the estate were filed, and whether a lien continues to exist for any federal or state tax.

3. ~~2.~~ If no actions or proceedings involving the estate are pending in the court sixty thirty days after notice of the closing statement is filed, the estate shall close after distribution and

~~the clerk shall discharge the administrator or executor~~ personal representative shall be discharged.

~~4. 3.~~ The closing statement shall include a statement as to the amount of fees to be paid for services rendered by the ~~executor or administrator~~ personal representative and the ~~executor's or administrator's personal representative's~~ attorney in administration of the estate. The fees for the ~~executor or administrator and the executor's or administrator's~~ attorney shall not be ~~in excess of the fees permitted by section 633.197~~ personal representative shall not exceed three percent of the gross value of the probate assets of the estate, unless the personal representative itemizes the personal representative's services to the estate. The personal representative's attorney shall be paid reasonable fees as agreed to in writing by the personal representative at or before the time of filing the probate inventory or as approved by the court. All interested parties shall have the opportunity to object and request a hearing as to all fees reported in the closing statement.

~~5. 4.~~ If a closing statement is not filed within twelve months of the date of issuance of a letter of appointment, an interlocutory report shall be filed within such time period. Such report shall be provided to all interested parties at least once every six months until the closing statement has been filed unless excused by the court for good cause shown. A closing statement filed under this section has the same effect as final settlement of the estate under chapter 633.

Sec. 25. Section 635.13, Code 2007, is amended to read as follows:

635.13 NOTICE — CLAIMS.

If a petition for administration of a small estate of a decedent is granted, the notice as provided in section ~~633.237, and either sections 633.230 and 633.231 or section sections 633.304 and 633.304A~~ shall ~~indicate administration as a small estate be given.~~ Creditors having claims against the estate must file them with the clerk within ~~four months from the second publication of the notice~~ the applicable time periods provided in such notices. The notice has the same force and effect as in chapter 633. Claimants of the estate shall be interested parties of the estate as long as the claims are pending in the estate.

Sec. 26. Sections 635.3, 635.4, 635.5, 635.6, 635.9, 635.10, 635.12, and 635.14, Code 2007, are repealed.

Sec. 27. CODE EDITOR DIRECTIVE. The Code editor is directed to transfer and renumber sections 635.7, 635.8, and 635.13, as amended in this Act, to enhance the readability of Code chapter 635.

Sec. 28. APPLICABILITY.

1. The sections of this Act amending sections 633.168 and 633.178 apply to fiduciaries appointed on or after July 1, 2007.

2. The sections of this Act amending sections 421.27, 450.4, 602.8102, 633.199, 633.272, 633A.4703, 635.1, 635.2, 635.7, 635.8, and 635.13 apply to estates of decedents dying on or after July 1, 2007.

3. The section of this Act amending section 561.1 applies retroactively to beneficiaries of trusts in existence on or after July 1, 1997.

4. The sections of this Act enacting sections 598.20A and 598.20B apply to all decrees of dissolution, annulment, or separation entered on or after July 1, 2007.

5. The section of this Act enacting section 633.123 applies to all estates, conservatorships, and trusts under court supervision in existence on or after July 1, 2007.

6. The section of this Act amending section 633.551 applies to petitions filed on or after July 1, 2007.

7. The sections of this Act amending sections 633.669, 633.670, and 633.700 apply to annual reports of guardians, conservators, and court-supervised trusts due on or after September 30, 2007.

8. The section of this Act repealing sections 635.3, 635.4, 635.5, 635.6, 635.9, 635.10, 635.12, and 635.14 applies to estates of decedents dying on or after July 1, 2007.

Approved May 9, 2007

CHAPTER 135

BOILER AND PRESSURE VESSEL SAFETY

H.F. 368

AN ACT relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 89.3, subsections 3 and 4, Code 2007, are amended by striking the subsections.

Sec. 2. Section 89.3, subsection 8, Code 2007, is amended to read as follows:

8. Internal inspections of ~~cast aluminum steam, cast aluminum hot water heating,~~ sectional cast iron steam, and cast iron hot water heating boilers shall be conducted only as deemed necessary by the commissioner. External operating inspections shall be conducted annually.

Sec. 3. Section 89.3, subsection 9, Code 2007, is amended to read as follows:

9. Internal inspections of steel hot water boilers shall be conducted once every six years. ~~The initial inspection of all affected boilers shall be apportioned by the commissioner over the six-year period after July 1, 1978.~~ External operating inspections shall be conducted annually.

Sec. 4. Section 89.4, subsection 1, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Water heaters used for potable water if the capacity is less than or equal to fifty gallons, the burner input is less than or equal to fifty thousand British thermal units, and the maximum allowable working pressure is less than one hundred sixty pounds per square inch.

Sec. 5. Section 89.7, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

89.7 SPECIAL INSPECTORS.

1. The inspection required by this chapter shall not be made by the commissioner if an owner or user of equipment specified by this chapter obtains an inspection by a representative of a reputable insurance company and obtains a policy of insurance upon the equipment from that insurance company.

2. The representative conducting the inspection shall be commissioned by the commissioner as a special inspector for the year during which the inspection occurs and shall meet such other requirements as the commissioner may by rule establish. The commission shall be valid for one year and the special inspector shall pay a fee for the issuance of the commission. The commissioner shall establish the amount of the fee by rule. The commissioner shall establish rules for the issuance and revocation of special inspector commissions. The rules are subject to the requirements of chapter 17A.